

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX DIGITAL  
GROUP, LLC; DAVID SCHAEFER; JORDAN  
GREEN; JEFFREY CONWAY AND JAMES  
MAY,

Defendants.

No. 2:21-cv-811

**PLAINTIFF BUNGIE, INC.’S  
MOTION TO SEAL**

NOTE ON MOTION CALENDAR:  
January 12, 2024

At the request of Defendants AimJunkies.com, Phoenix Digital Group, LLC (“Phoenix Digital”), David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively, “Defendants”), Plaintiff Bungie, Inc. (“Bungie”), pursuant to LCR 5(g) and the Stipulated Protective Order entered by the Court in this matter (Dkt. No. 60), hereby moves to file under seal Exhibits 3-13 and 15 to the Declaration of William Rava in support of Bungie’s Opposition to Defendants’ Motion to Stay Execution of Arbitration Judgment and the accompanying references to these exhibits and information contained in Bungie’s Opposition Brief (the “Opposition”). Defendants did not provide a reason for their request that the documents be filed under seal.

A party may file a document under seal without prior court approval “[i]f the party files a motion or stipulated motion to seal the document . . . at the same time the party files the sealed document.” LCR 5(g)(2)(B). The contemporaneous motion must include a certification that the

PLAINTIFF’S MOT. TO FILE UNDER SEAL  
(No. 2:21-cv-811) – 1

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1 parties met and conferred about the need to file the document under seal, the ability to minimize  
2 the material filed under seal, and the possibility of exploring alternatives to filing under seal. LCR  
3 5(g)(3)(A). Where the parties have entered a stipulated protective order, a party wishing to file  
4 confidential documents it obtained from another party in discovery may file a motion to seal but  
5 need not provide a specific statement of the applicable legal standard and the reasons for keeping  
6 a document under seal. LCR 5(g)(3)(B). Instead, the party who designated the document  
7 confidential must satisfy LCR 5(g)(3)(B) in its response to the motion to seal or in a stipulated  
8 motion. *Id.*

9 Here, the exhibits that Bungie intends to file under seal are all documents designated by  
10 Defendants as Confidential. These exhibits consist of excerpts of deposition transcripts from  
11 Defendants that were taken in the parallel JAMS arbitration proceeding between the same parties  
12 and which were designated in their entirety as Confidential by Defendants, as well as Defendants'  
13 PayPal account information sheets produced by PayPal in this case that have been designated as  
14 Confidential by Defendants.

15 On December 20, 2023, Bungie's counsel notified counsel for Defendants via email of its  
16 intent to file Exhibits 3-13 and 15 to the Declaration of William Rava in support of Bungie's  
17 Opposition and the accompanying references to these exhibits and information contained in  
18 Bungie's Opposition. Bungie's counsel asked Defendants to confirm whether they intended to  
19 maintain their confidentiality designations over those portions of the transcripts and documents,  
20 and if so, to provide a statement of the applicable legal standard and the reasons for keeping the  
21 documents under seal pursuant to LCR 5(g)(3)(B). Defendants' counsel stated that "Defendants  
22 wish to maintain the confidentiality of these documents," but did not provide a reason for their  
23 request.

24 A proposed order accompanies this motion.  
25  
26

1 I certify that this memorandum contains 463 words, in compliance with the Local Civil  
2 Rules.

3  
4 Dated: December 26, 2023

By: /s/William C. Rava

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16 *Attorneys for Plaintiff Bungie, Inc.*

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(No. 2:21-cv-811) -3

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